

Exhibit D

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

STACIE RAY, et al.

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director,
Ohio Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson

Magistrate Judge: Chelsey Vascura

DECLARATION OF DAVID J. CAREY
(pursuant to 28 U.S.C. § 1746)

I, David J. Carey, declare as follows:

1. I am above the age of 18 and reside in Ohio. I have personal knowledge of the matters to which I attest.

2. I am the Senior Staff Attorney of the ACLU of Ohio Foundation (“ACLU of Ohio”), and co-counsel of record to the Plaintiffs in the above-styled case. Prior to joining the ACLU of Ohio, I was an Associate at Thompson Hine LLP, where I was also co-counsel of record to the Plaintiffs in this action.

3. The ACLU of Ohio is a non-profit organization that relies upon membership and contributions, augmented by awards of attorneys’ fees when available, to fund its operations.

4. I am licensed to practice law in Ohio and New York, and am further licensed to practice in the United States District Courts for the Southern District of Ohio, Northern District of Ohio, Southern District of New York, Eastern District of New York, and Eastern District of Michigan. I am also licensed to practice in the United States Courts of Appeals for the Sixth and

Ninth Circuits, and in the Supreme Court of the United States. I have been licensed since 2010 in New York and 2012 in Ohio. My resume detailing my professional qualifications is attached as Exhibit D-1 to this Declaration.

5. I have invested 82.1 hours in representing Plaintiffs in the above-styled case, which includes both my hours spent while with the ACLU of Ohio, and while with Thompson Hine LLP.

6. I kept contemporaneous time records in the above-styled case in six-minute increments. I exercised billing judgment to exclude time that was not reasonably related to the successful prosecution of the case and to exclude time for small tasks that did not total at least six minutes. Time expended in writing and reading a number of email communications, both written and received by me, and short conversations with co-counsel and others, are not included in my contemporaneous records.

7. My contemporaneous time records for tasks performed in the above-styled case are reflected in the attached Exhibit D-2 to this Declaration.

8. My reasonable hourly rate for §1983 litigation is \$375.00 per hour.

9. The lodestar figure for my services, determined by multiplying my reasonable hours by my reasonable rate, comes to $82.1 * 375 = \$30,787.5$.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 1, 2021 in Columbus, OH.

/s/ David J. Carey
David J. Carey